



Department  
for Education

# **Implementing your school's approach to pay**

**Advice for maintained schools and local  
authorities**

**September 2018**

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# Summary

## About this advice

This is advice from the Department for Education. It is non-statutory and has been produced to help schools and governing bodies review and revise their processes for decisions on teachers' and leadership pay. It should be read alongside the School Teachers' Pay and Conditions Document (STPCD) 2018.

Decisions about teachers' pay progression are now linked to performance. All individual pay awards need to take account of performance. There is no need for a school to award an increase to an individual unless it is merited by performance in accordance with their pay policy.

The first annual performance-related progression pay increases were made in September 2014. Revised arrangements for determining the pay of school leaders also came into force with effect from 1 September 2014.

This advice is also designed to support schools with

- meeting equalities responsibilities, so they do not discriminate against individuals or groups when making pay decisions;
- using evidence and eliminating unnecessary bureaucracy when making appraisal and pay decisions;
- developing good human resource (HR) practices;
- managing pay decision appeals;
- using allowances; and
- implementing non-pay terms and conditions.

## Expiry or review date

This advice will be kept under review and, if necessary, updated in the light of future amendments to the STPCD.

## Who is this advice for?

This advice is relevant to all maintained schools in England and Wales and is for

- school leaders, school teachers and governing bodies; and
- local authorities.

## Main points

- School pay policies must make performance-related progression the basis for all decisions on pay – for classroom teachers and leaders.
- School appraisal policies must reflect the links between performance and pay.
- Pay and appraisal policies should minimise the impact on workload for individual teachers, line managers and headteachers.
- Schools should review their pay and appraisal policies annually to clarify their approach to making performance-based pay decisions and to set out the extent to which any uplift to the national framework will be taken into account when making any individual pay decisions.
- When designing school pay and appraisal policies, school leaders may wish to refer to the Department's [school workforce planning](#) guidance and [flexible working in schools](#) guidance.
- All pay decisions must be made using objective criteria so that there is no discriminatory effect on any teacher or group of teachers with a protected characteristic under the Equality Act 2010.
- It is up to each school to decide for itself how best to implement the arrangements and develop its policies accordingly.
- No single approach will suit all schools.
- Schools are under no obligation to increase an individual's pay unless it is warranted by performance in accordance with their pay policy – schools are free to withhold progression pay without any requirement to initiate or consider capability proceedings.
- Schools need to tailor their pay policies to meet their local recruitment and retention needs.
- Schools are free to make appointments above the minimum of a pay range and to use recruitment and retention payments to attract and recruit the teachers that they need.
- There should be scope, where justified by consistently excellent performance, for the most able teachers to progress rapidly.
- Schools have flexibility to decide how they wish to reward their leadership teams to reflect individual performance and the challenges of the post.
- The pay of headteachers or leadership teams in post only have to be reviewed when there have been significant changes to responsibilities.
- The principles underlying the core non-pay conditions remain unchanged.

# Setting the pay of classroom teachers

## Summary of changes

The main changes introduced since 2013 are:

- removing pay progression based on length of service and linking all pay progression to performance
- giving schools the option of increasing individual teachers' pay at different rates based on their performance
- replacing the threshold test for progression from the main to the upper pay range with a new simpler criteria
- creating a new pay range for leading practitioners whose primary purpose is to model and lead the improvement of teaching skills
- giving schools more freedom to determine the starting salaries of new teachers to the school
- removing the obligation on schools when recruiting to match a teacher's existing salary
- removing the discretionary national reference points from the pay ranges.

The changes from September 2018 are:

- a 3.5% uplift to the minima and maxima of the main pay range and the unqualified teacher range, a 2% uplift to the minima and the maxima of the upper pay range, the leading practitioner range and all allowances.

## Linking pay progression to performance

Performance-related pay progression enables schools to recognise and reward a teacher's performance through an increase in pay. It can act as an incentive for continuous improvement.

The quality of the performance appraisal system in your school is the key to this working well. The appraisal and pay process should enable teachers to demonstrate their overall performance.

Appraisal should be a supportive, developmental process designed to ensure that all teachers have the skills and support that they need to carry out their role effectively. The appraisal process should help to ensure that teachers continue to improve their professional practice throughout their careers.

Since September 2004 the STPCD has required schools and local authorities (in relation to unattached teachers) to have a pay policy in place, which sets out the basis on which they determine teachers' pay, and to establish procedures for determining appeals. Schools need to review their pay policies on a regular basis to set out how appraisal outcomes are linked to pay decisions.

Schools are free to adopt their own approaches on pay and appraisal provided these comply with the relevant statutory frameworks and regulatory requirements. Neither the Department for Education (DfE) nor Ofsted (through its *School Inspection Handbook*) require schools to follow a particular approach.

In determining their pay policy, schools may wish to consider that:

- they are free to adopt whichever system of pay scales, within the statutory pay ranges, as they see fit; some schools have opted to retain a traditional six point main and three point upper pay range whilst others have chosen a different approach;
- The Government's expectation is that good classroom teachers should expect to reach the maximum of the main pay range within five years;
- whilst there is no longer any statutory requirement to match teachers' previous salaries when they are applying for a post in a different school, schools are free to do so if they choose. This includes the freedom to pay teachers more from the start of their new employment in a school;
- they should take care to ensure that, where appropriate, teachers are properly remunerated when they carry out duties which warrant the awarding of a TLR, or payment of a SENCO, or payment on the leadership or leading practitioner pay ranges.

Schools should take account of any unnecessary bureaucracy in their appraisal and pay processes and take steps to reduce these where possible.

The pay policy should set out how all pay decisions will be made, with sufficient detail for an individual to understand the basis upon which pay decisions will be made in their particular school. For instance, the policy should be clear about the circumstances in which an increase may not be merited and the way in which "good" and "exceptional" performers will be differentiated. There should be scope, where justified by consistently excellent performance, for the most able teachers to progress rapidly through the main and upper pay ranges and, where appropriate, on to the leading practitioner and leadership pay ranges. The policy should also make clear how pay will be determined when teachers are absent for any reason, for example, on maternity or long-term sick leave. A [model pay policy](#), which includes illustrations of differentiation, is provided in Annex B.

In both England and Wales, teachers' performance is assessed against the relevant standards as well as against their objectives. Headteachers will need to set out what they will take into account when making judgements as to whether teachers have met their objectives and the relevant standards.

This might include:

- impact on pupil progress
- impact on wider outcomes for pupils
- improvements in specific elements of practice, such as behaviour management or providing feedback
- impact on effectiveness of teachers or other staff
- wider contribution to the work of the school.

Objectives provide an important basis for assessing performance, but they are not the only opportunity/possibility. Meeting objectives need not necessarily mean that a teacher is awarded pay progression, though schools can make that a criterion for pay progression if they so wish. A school might consider that a teacher - who has made good progress, but not quite achieved, a very challenging objective - has performed better and made a more significant contribution than a teacher who met in full a less stretching objective. Similarly, a teacher may have achieved all their objectives but failed to meet all of the relevant standards.

Assessment may be based on evidence from a range of sources – for example, self-assessment, peer review, tracking pupil progress, lesson observations and the views of pupils and parents. The collection of evidence should be proportionate and not increase workload for teachers (for example, teachers should **not** be asked to produce written evidence against each of the teacher standards).

## Links to inspection

The [Ofsted school inspection handbook](#) makes clear that rigorous performance management should be considered as part of the judgement on the quality of leadership and management of the school. Inspectors are advised that they should look for information about how the school makes decisions about teachers' salary progression and performance. The handbook also however sets out that this information should be used by the school routinely and not be additional evidence generated for inspection. It is also made clear that Ofsted does not require schools to provide evidence in respect of every teacher for each of the bulleted sub-headings in the teachers' standards<sup>1</sup>.

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<sup>1</sup> Ofsted inspection handbook paragraph 28



## Advice on the main roles and responsibilities in determining pay progression

School Leaders	Governing Bodies	Teachers
<ul style="list-style-type: none"> <li>Review and develop clear arrangements for linking appraisal to pay progression. Propose changes to pay and appraisal policies, consulting staff and union representatives as appropriate.</li> <li>Submit policies to the governing body for approval.</li> <li>Ensure that all teachers are made aware of policies and that they have the knowledge and skills to apply procedures fairly.</li> <li>Ensure that teachers are appraised in accordance with the school's appraisal policy and the relevant regulations.</li> <li>Put pay recommendations to the governing body and ensure that they have sufficient information upon which to make their decisions.</li> <li>Keep records of the decisions and recommendations that have been made in order to demonstrate that all judgements have been made objectively and in compliance with equalities legislation.</li> <li>Ensure that teachers are kept informed in respect of recommendations made and decisions reached.</li> </ul>	<ul style="list-style-type: none"> <li>Consider and adopt pay and appraisal policies, including the criteria for pay progression.</li> <li>Agree the extent to which specific functions relating to pay determination and appeals processes will be delegated to others, such as the headteacher.</li> <li>Assure that appropriate arrangements for linking appraisal to pay are in place and that these arrangements can be applied consistently; ensure that pay decisions can be objectively justified.</li> <li>Approve teachers' salaries and consider the recommendations of the Senior Leadership team as to whether to award performance pay in line with the school's pay policy.</li> <li>Monitor the outcome of pay decisions, including the extent to which different groups of teachers may progress at different rates. Check that processes operate fairly.</li> <li>Identify and consider the budgetary implications of pay decisions and consider the impact that they will have upon the school's spending plan.</li> </ul>	<ul style="list-style-type: none"> <li>Participate in arrangements for their own appraisal in line with their school's appraisal policy and ensure that they understand the arrangements within their school.</li> <li>Keep records of their objectives and review them throughout the appraisal process.</li> <li>Where applicable, appraise the performance of other teachers (as delegated by the headteacher).</li> <li>Decide whether they wish to apply for access to the upper pay range and provide the appropriate evidence.</li> </ul>

## **The appraisal and pay determination cycle**

### **Autumn term**

- All objectives to be finalised. If agreement cannot be reached, they are set by the appraiser.
- Performance is monitored as set out in the school's appraisal policy (such as through observation and ongoing professional dialogue between the relevant parties).

### **Spring term**

- Performance is monitored as set out in the school's appraisal policy (such as through observation and ongoing professional dialogue between the relevant parties).

### **Summer term**

- Performance is monitored as set out in the school's appraisal policy (such as through observation and ongoing professional dialogue between the relevant parties).

### **Summer/autumn term**

- At the end of the appraisal year, teachers receive an appraisal report which includes (amongst other things) an assessment against their objectives and the relevant standards and a recommendation on pay.
- Headteachers need to ensure moderation of initial recommendations with a view to putting individual pay progression recommendations to the governing body for agreement and to account to them overall for the effective operation of links between pay and performance
- Review and update pay and appraisal policies as necessary in the light of experience.
- Governing body to determine what provision should be made in the school's budget for discretionary pay awards and progression.
- Appraisal objectives are set for the next appraisal period.

## Making pay decisions

The School Teachers' Review Body (STRB) has said that uplifts to the national pay framework should not be applied automatically to teachers and that any individual pay award needs to take account of performance. As it is not intended that the uplifts to the framework should translate into uniform pay increases for every teacher within every school, it will be for schools to set out clearly in their individual school's pay policy the extent to which any uplift to pay ranges and allowances within the national pay framework should apply to their teachers.

Schools will also want to consider how the pay flexibilities that they now have can help them to attract and retain good teachers. By tailoring the school's pay policy to meet their local needs, schools can address specific shortages that they may be experiencing. For instance, a school may wish to consider offering higher starting salaries to recruit a teacher or, the prospect of faster progression (if merited by performance) to assist with retention.

### Issue: Differentiation

#### Ask yourself

What level of performance do you want to reward?

How will you differentiate pay progression to reflect different levels of performance?

#### Prompt

Do you want all teachers who achieve their objectives to receive some pay progression?

Do you want to give a greater pay progression to teachers who meet the most challenging objectives or who exceed challenging objectives? If so, do you want to moderate objectives at the beginning of the year to help to ensure that there is a degree of consistency and clarity about the degree of challenge involved?

Do you want to highlight particular qualities or behaviours, drawing on the relevant standards, as essential baseline expectations for a teacher to achieve pay progression in your school? If so, what would you use as evidence and how will you gather it without imposing additional workload on teachers? Can you build this into teachers' appraisal objectives?

Are there particular outcomes that you want to recognise, encourage and reward? If so, what would you use as evidence and how will you gather it? Again, can you build this into your teachers' appraisal objectives?

Do you want to reward improvements in performance as well as absolute performance (for example, sustained high performance)?

The examples in the [appendix to the model pay policy](#) illustrate some different options.

### **Issue: Pay progression**

#### **Ask yourself**

Do you want to set out a number of different levels of increase?

Do you want to establish pay points between the statutory minimum and maximum on the main pay range?

Would you prefer a longer range, with more points on it, or a shorter range with fewer points?

How much do you want to spend on performance-related pay?

How can you ensure that you are using performance-related pay to get the best value for money?

#### **Prompt**

You might want to start by taking stock of your current position and future plans. The Department's [school workforce planning](#) guidance can support you to do this. For example, do you know what your current teacher profile is – how many teachers are on the main pay range; on the upper pay range, etc. and how your budget has been distributed across those teachers in recent years? Has your school taken into account the potential impact of future pay awards in its forward planning? How is the profile of your teaching staff likely to change over the next few years taking account potential retirements and turnover?

You may need to consider that, unless you take a robust approach towards weaker performers, and recognise more explicitly within your policy the possibility of no progression for such teachers, your school may not be able to reward the best teachers to the extent that you may wish.

You have the freedom to award progression increases as you judge appropriate in your particular circumstances. Although no progression award should be made if it is not justified, you may find it helpful to indicate the pay level that might be achieved after a certain period (subject to good performance) through the establishment of pay points on those ranges that will be used by the school. The STRB has suggested that, subject

to good performance (as defined by an individual school's pay policy), teachers should be able to expect to progress to the top of the main pay range within five years. There should be scope for the most able teachers, where justified by consistently excellent performance, to progress more rapidly through the main and upper pay ranges and, where appropriate, on to the leading practitioner and leadership pay ranges. Have you considered how you might make use of pupil premium funding to reward your best teachers?

You will need to ensure that, as with all other aspects of your pay policy, any changes that you make (such as lengthening the pay range by creating additional points) will not have a discriminatory effect on any teacher or group of teachers with particular protected characteristics.

### **Issue: Information for the governing body**

#### **Ask yourself**

What information does the governing body need so that it can exercise its discretion in relation to pay sensibly? What questions will need to be asked to ensure that pay recommendations are justified and fair?

What is the expected correlation between performance and pay?

Will the governing body be able to defend its decisions if challenged (e.g. by dissatisfied teachers or by Ofsted)?

#### **Prompt**

You might want to start by considering what information your governing body has previously received about pay and use this as the basis for a discussion with them about whether they felt that this was sufficient for them to be confident that previous decisions about pay were fair and could be justified. Ask the governing body what additional information they would like to receive in future.

When Ofsted inspect your school, they may ask for anonymised information from the last three years which shows the proportions of teachers who have:

- progressed along the main pay range
- progressed to, and along, the upper pay range
- progressed along the leadership range
- received additional responsibility payments, such as TLR payments and SEN allowances.

The information provided should include information about patterns of progression and comparisons between subject departments and/or teachers deployed in different key stages.

You may want to ensure that your governing body receives and has an opportunity to interrogate this information as part of the annual process.

## Teacher appraisal

Schools and local authorities must have an appraisal policy for teachers. The Department has provided an **optional** model policy (covering both appraisal and capability) which schools in England may choose to adapt and adopt. Similarly, the Welsh Government has provided a model policy for performance management for schools in Wales.

There are several questions that governing bodies and headteachers will need to consider when reviewing their appraisal policies to ensure that they will support decision-making on pay. What follows highlights some of the main points.

### How appraisal supports pay progression

Issue	Ask yourself
<b>The school's appraisal policy</b>	Is it clear how teachers' objectives will be set, how performance will be assessed and how moderation will take place? Does the policy and related process avoid unnecessary bureaucracy for all parties concerned, and will it proportionately support robust decisions?
<b>Setting objectives</b>	Are school leaders clear about the type and levels of performance that might lead to pay progression? Are school leaders clear how to reflect this in setting individual objectives? Do objectives clearly identify success criteria? Are the targets or objectives achievable? How will you measure performance? How will you know if teachers have met their objectives? Will you have higher expectations of some teachers (for example those on higher pay ranges)? Will the headteacher or other senior leader moderate objectives to ensure quality and consistency? Are all teachers clear about what they need to do to achieve progression by the end of the year?
<b>Observation and assessment</b>	Is the appraisal policy clear on how observation is managed within the school and on how much observation is likely to take place? What other evidence do you want to see (such as examples of pupils' work and progress)? Are you clear about how you will assess teachers' performance against the relevant standards?

Issue	Ask yourself
<b>Appraisal reports</b>	Do appraisal reports provide the necessary evidence base to support pay recommendations?
<b>Consistency and moderation</b>	How will senior leaders quality-assure judgements that lead to pay progression? Is all observation externally verified? By whom?

## The use of evidence in appraisal and pay decisions

*The Education (School Teachers' Appraisal) (England) Regulations 2012* ("the Regulations") came into force on 1 September 2012 and apply to all maintained schools in England, including maintained special schools, and to local authorities in respect of unattached teachers. They do not, however, apply to teachers in maintained schools who are serving a statutory period of induction, teachers employed for a period of less than a term, or any teacher who is the subject of capability procedures. *The School Teacher Appraisal (Wales) Regulations 2011* apply in Wales (appraisal is a devolved matter in Wales and some aspects of this guidance may not be relevant).

Schools need to set out what evidence they will take into account when making judgements about a teachers' performance and whether it has met the relevant standards and their individual objectives. The range of evidence required should be clearly set out in the school's pay policy.

## Reducing bureaucracy

A fundamental principle that schools must take into account when developing and implementing pay and appraisal policies is the need to minimise the impact on workload for individual teachers, line managers and headteachers. Schools should always be aiming for policies and processes that avoid unnecessary bureaucracy for all parties concerned; policies and processes should also be proportionate and able to support robust decisions. Schools should ensure that all teachers are treated fairly and should take particular care in respect of those teachers who have different working patterns or those with particular protected characteristics under equality legislation.

## No evidence outside of the appraisal process

While schools are free to determine the range and level of evidence that is appropriate for pay determination purposes, that decision must be taken in the context of minimising bureaucracy. As an example, the independent report on eliminating unnecessary workload in relation to [planning and resources](#) states: '*The lesson plan acting as a proxy seems to be the key driver of unnecessary workload as the requirement to produce detailed lessons plans is often linked to evidence gathering rather than teaching. This includes meeting standards to satisfy ITT requirements; as evidence for appraisal and performance-related pay; and as proxies for 'good' teaching to submit during Ofsted*

*inspections*'. It is important that schools consider this when drafting and implementing their pay and appraisal policies.

Whatever evidence is used, it should provide all teachers with a fair opportunity to demonstrate in their appraisal that they have met both their individual objectives and the relevant standards; the range of evidence requirements must be rooted firmly within the parameters of the appraisal process as set out in the school's pay policy. Schools should consider carefully the need for targets and objectives that enable teachers to demonstrate *performance*, rather than simply results. **It would not be appropriate for schools to introduce evidence requirements that are not directly and explicitly related to the formal appraisal process or related to the objectives and standards that have been agreed with the teacher.**

### **No surprises**

Teachers should receive constructive feedback on their performance throughout the year. In addition to the annual assessment, performance and development priorities may be reviewed and addressed during the course of the year, on a basis agreed between the teacher and their line manager.

The relevant body should manage the appraisal and pay determination process so that there are no surprises at the end of the appraisal cycle – throughout the appraisal cycle both the teacher and appraiser should understand what objectives are in place, the evidence that will be used to assess performance against objectives and the criteria for a successful performance review. Normally, objective setting should be part of an agreed process between the appraiser and the appraisee. Where interim performance management reviews take place, the teacher should be made aware of progress towards meeting their objectives, based on the evidence agreed at the outset of the appraisal cycle.

Paragraph 19 of the STPCD states that a recommendation on pay must be made in writing as part of the teacher's appraisal report; it would be good practice for this recommendation to be discussed with the teacher at the appraisal review meeting and recorded in writing in the documentation provided to the teacher at the end of the meeting. The relevant body should have regard to this recommendation and, if the recommendation is not to award pay progression, the relevant body should confirm whether the rationale for this has first been made clear in the appraisal review meeting.

There is a clear expectation in the STPCD that good performance should lead to pay progression and the school's pay policy should define what constitutes good performance in the context of the school. In circumstances where a teacher does not receive pay progression, an important part of the feedback will be to outline the evidence that was taken into account to support this decision, and to explain how any development issues can be addressed.



Provisional assessments of performance against the Teachers' Standards in England and the Practising Teacher Standards in Wales should be given at performance reviews and, should they be deemed necessary, any interim feedback meetings. Schools should provide feedback where necessary during the course of the year on the areas where the teacher might need to improve in order to secure a positive assessment at the end of the appraisal period. If any additional support and training to improve performance is deemed necessary before the end of the appraisal cycle, the teacher and their line manager should consider how these should be delivered. The Regulations state that each teacher's appraisal report must include an assessment of the teacher's professional development needs identifying any action that should be taken to address these needs. Throughout this process schools need to have robust processes which fully enable all teachers to demonstrate their performance however, the processes should not be overly bureaucratic and time-consuming.

Line managers/appraisers are central to ensuring that the appraisal and pay determination process is carried out effectively and efficiently. Line managers should have regard to the work-life balance of their staff when setting objectives for the year ahead. Appraisers must take account of the principle that evidence for appraisals must be proportionate and clearly rooted within the appraisal process whilst also ensuring that the appraisal cycle does not add unnecessarily to teachers' workloads. It is also essential that all appraisers fully understand the appraisal process within their school and how it is linked to the school's pay policy. Appraisers should have the necessary skills to carry out these important functions. Schools should ensure that all appraisers are suitably prepared for carrying out all elements of the appraisal process; training should be made available where necessary.

It is for governing bodies to decide how far they delegate decisions to headteachers. Headteachers may delegate the role of appraising teachers within their schools to other individuals, however, they remain accountable for the appraisal process under the Regulations.

## **Communications relating to pay determinations**

Where the STPCD determines that a pay award is made to teachers, it should apply from the date, in accordance with the provision of the school's pay policy. For example, in the case of teachers employed in accordance with the STPCD, a pay award is effective from 1 September and will therefore need to be backdated to that date.

All decisions that the STPCD requires schools to make should be made as quickly as is reasonably possible – a sensible principle here would be that once all relevant information is available to make a decision, that decision should be made and communicated. In that regard, schools should notify teachers of the outcome of pay decisions as soon as possible after the pay determination date in their pay policy, certainly no later than one month after the pay decision has been made. In

circumstances where schools have retained the 31 October (31 December for leadership group) as a deadline for making pay determinations within their pay policies, decisions should be relayed to the teacher as soon as possible after this date. This notification should include any performance pay progression decisions which have been made. Teachers should also be notified of any subsequent change in pay during the school year.

Schools are required to give each teacher written details of their pay every year. This helps to ensure that governors and school leaders meet their obligations both to undertake pay assessments for all teachers and to inform those teachers whose pay has changed about their new pay rate. The information required for each teacher would set out the following:

- any payments and financial benefits awarded to the teacher and the period for which they are awarded
- any safeguarded sums to which the teacher is entitled
- in the case of a leadership group or leading practitioner teacher, the basis on which remuneration has been determined and the criteria
- the nature of any fixed-term contract (including a fixed-term appointment to the leadership group or as a leading practitioner)
- where the school's pay policy is located.

It is also good practice to provide every teacher with a copy of the school's pay policy by 31 October each year, including the appeals procedure, ensuring that any revisions to the pay policy are included.

The relevant body must provide every teacher with a monthly payslip, giving full information about all earnings (such as gross pay and allowances) and deductions (such as tax, National Insurance contributions and pension contributions) and total net pay to date. If the relevant body uses an electronic payslip system, it should, where practicable, provide a printed copy to any teacher who requests it at no additional cost to the teacher. The relevant body is also responsible for ensuring that the issuing of pay remittance advice has due regard to the school's statutory responsibilities under the Data Protection Act.

## **Professional development**

Effective professional development is an integral part of ensuring high-quality teaching enabling teachers to meet the day to day challenges of teaching and manage teaching and learning effectively. This is important throughout a teacher's career, although particular care should be taken to ensure effective induction and early professional development for newly qualified teachers (NQTs) (which includes the specific entitlement

to a reduced timetable and access to induction tutors) where schools and Further Education (FE) Colleges are providing statutory induction.

Conversations about professional development and a teacher's individual needs should form part of the appraisal process, in particular, this issue should be discussed within planning and review meetings. It is good practice to consider school improvement needs alongside the personal development needs of teachers.

Schools should identify sufficient resources to meet teachers' and school professional development needs.

### **Intelligent use of private providers and their materials**

Under the Regulations, teachers' performance must be assessed against the relevant standards and against their individual objectives. For the majority of teachers in maintained schools in England, the relevant standards are the Teachers' Standards, and in Wales they are the Practising Teacher Standards.

Teachers' performance should be assessed against the relevant standards to a level that is consistent with what should reasonably be expected of a teacher in the relevant role and at the relevant stage of their career. Headteachers and other appraisers should use their professional judgement when appraising teachers' performance. It is not necessary for schools to adopt rigid models that seek to set out exactly what the relevant standards mean for teachers at different stages in their careers and teachers should not be expected routinely to provide evidence that they meet all the standards.

When considering how to support the delivery of appraisal and pay reform, governing bodies may wish to consider services provided by local authorities and collaboration with other schools. If, however, they choose to use external or private providers, they should satisfy themselves that the method of procurement gives the school the greatest value for money and that resources do not negate the use of the professional judgement of appraisers or impose an unnecessary bureaucratic burden on teachers.

### **Advice on determining the salary of newly qualified teachers (NQTs) at the end of their induction period**

Whilst there is no longer any statutory requirement in the STPCD for the relevant body to award NQTs pay progression on the completion of induction, it is free to do so if it chooses. When exercising pay determination, the relevant body should have due regard to the government's expectation that good classroom teachers should expect to reach the maximum of the main pay range within five years of starting their teaching career.

## Advice on access to the upper pay range

New arrangements for gaining access to the upper pay range came into effect on 1 September 2013. The arrangements apply to teachers in England and Wales, irrespective of whether they are subject to the 2011 regulations, the 2012 regulations or neither.

It is the responsibility of individual teachers to decide whether or not they wish to apply to be paid on the upper pay range.

Any decision made under paragraph 15 of the STPCD 2018 applies only to employment in that same school or (in the case of unattached teachers) the same local authority. Paragraph 14 of the STPCD 2018 sets out when teachers must be paid on the upper pay range, and when the school can pay a teacher on the upper pay range if they wish.

Teachers who are simultaneously employed to teach at two or more schools may submit separate applications to both (or all) headteachers if they wish to apply to be paid on the upper pay range in both (or all) schools. Each headteacher and governing body will make its own assessment. Decisions by one school will not be binding on other schools.

In order to be eligible to be assessed, teachers must have Qualified Teacher Status (QTS). There are no barriers to movement onto the upper pay range that are connected with length of service and no requirement to be at the top of the main pay range.

For an application to be successful, the governing body must be satisfied that:

- the teacher is highly competent in all elements of the relevant standards; and
- the teacher's achievements and contribution to an educational setting or settings are substantial and sustained.

These criteria are set out in paragraph 15.2 of the STPCD 2018.

Schools are free to set out in their pay policies their interpretation of the STPCD criteria for teachers to progress from the main pay range to the upper pay range. Neither the DfE nor OfSTED specify what these should be.

The school's pay policy should set out the process for assessing applications and make clear how the relevant body will interpret the criteria above. In particular the pay policy must make clear how the relevant body will interpret "highly competent", "substantial" and "sustained". Teachers must not simply be assumed or deemed to be meeting the criteria in the absence of any evidence to the contrary. The model pay policy in this document suggests some areas which schools may like to consider when interpreting the criteria.

Schools should try to avoid confusing or conflating the criteria and factors for the award of TLR payments with the criteria for movement to the upper pay range, both within the context of objective-setting and when making pay decisions.

## Progression to the upper pay range

### Applications and assessment

<b>Issue : What deadline to set for receipt of applications.</b>
<b>Ask yourself</b>  Do you want there to be a single cut-off date for all applications? If so, what?  How will you communicate the deadline(s) to teachers, allowing, for example, sufficient time for teachers with different working patterns to apply?  Do you want to align the application process with the appraisal cycle?  How will you make sure all teachers are treated fairly?
<b>Prompt</b>  Have you made sure all teachers have access to the information they need to make an application? Do line managers know what approach to take if asked about applications?
<b>Issue : To whom the teacher should give the application.</b>
<b>Ask yourself</b>  Do you want all applications to be made to the headteacher or other senior manager?
<b>Issue : Evidence the application should contain.</b>  All applications should include the results of reviews or appraisals under the 2011 or 2012 regulations, including any recommendation on pay (or, where that information is not applicable or available, a statement and summary of evidence to demonstrate that the applicant has met the assessment criteria).
<b>Ask yourself</b>  When considering the criteria in paragraph 15.2 of the STPCD, have you defined what 'highly competent' and 'substantial and sustained' look like in practice? How will you ensure that each of the assessments and recommendations contained in teachers' appraisal reports are considered? How will you ensure that – taken as a whole – the evidence demonstrates the teachers meet the criteria?  Have you made sure all teachers are treated fairly, for example, teachers who have different working patterns or those with particular protected characteristics under equality legislation?  Over what time period should evidence be collected?

<p><b>Prompt</b></p> <p>Consider how you have accommodated teachers who had breaks in service under the previous threshold arrangements.</p>
<p><b>Issue : The format of the application.</b></p>
<p><b>Ask yourself</b></p> <p>Is it necessary to devise a standard form or letter, or will this add unnecessary workload for staff?</p> <p>Will teachers simply be able to provide copies of their appraisal reports as evidence for assessment against the criteria?</p>
<p><b>Issue : Formal assessment of the application.</b></p>
<p><b>Ask yourself</b></p> <p>Should the headteacher moderate all initial recommendations and formally recommend to the governing body? If not, how else will you ensure consistency?</p> <p>How do you ensure that all assessments are made fairly and transparently, taking into account individual circumstances? How do you ensure there are appropriate levels of independence during the assessment process?</p>
<p><b>Prompt</b></p> <p>Consider how threshold applications were previously managed in your school and apply learning from that experience.</p>

## Process and procedures

<p><b>Issue : Length of time to make the assessment and inform the applicant of the result.</b></p>
<p><b>Ask yourself</b></p> <p>How will you communicate the outcome? Who will provide the feedback? Will you tell all applicants the outcome at the same time? How long is it reasonable for applicants to wait for the result of their application?</p>
<p><b>Issue : How quickly successful applicants will move to the upper pay range</b></p>
<p><b>Ask yourself</b></p>

Will you have a single date when all successful applicants move to the upper pay range?

How will you take into account teachers with different working patterns?

**Issue : Placing successful candidates on the upper pay range.**

**Ask yourself**

Will you place all successful applicants on the minimum of the range or will outstanding applicants be able to start further up the range?

## **Advice on appointments to leading practitioner roles above the upper pay range**

From 1 September 2013 schools have been able to create posts whose primary purpose is the modelling and leading improvement of teaching skills and that are paid above the maximum of the upper pay range.

The pay range for leading practitioners is a wide one. Schools need to determine an individual post range for each post within the minimum and maximum of the overall range which is set out in paragraph 16.3 of the STPCD 2018.

When determining the individual salary range, schools should take into account the challenge and demands of an individual post and be mindful of internal pay relativities. If a school creates more than one such post, the individual post ranges should be determined separately for each post and need not be identical. Salaries are for specific posts and will not be portable between different schools or different posts within the same school.

Teachers on the pay range for leading practitioners should exhibit exemplary teaching skills, lead the improvement of teaching skills in their school and carry out the professional responsibilities of a teacher other than a headteacher, including those responsibilities delegated by the headteacher. Time should be allocated for teachers to discharge additional responsibilities.

Teachers on the pay range for leading practitioners should take a leadership role in developing, implementing and evaluating policies and practice in their workplace that contribute to school improvement. This might include:

- coaching, mentoring and induction of teachers, including trainees and NQTs
- disseminating materials and advising on practice, research and continuing professional development provision
- assessment and impact evaluation, including through demonstration lessons and classroom observation

- helping teachers who are experiencing difficulties.

They may also be required to take on this role in other schools or in relation to teachers from other schools.

There are no national criteria for appointment to these posts, except that the teachers must have QTS, however, successful candidates will normally be expected to have a sustained track record of successful performance as a teacher on the upper pay range, have demonstrated excellence in teaching and have contributed to leading the improvement of teaching skills.

Schools will normally be expected to advertise any vacancies and appoint candidates in the same way that they do for other vacancies.

## Appointment of teachers as leading practitioners

Issue	Ask yourself
<b>Whether or not to create a post or posts of this sort</b>	<p>Do you need a post within the school that has the primary purpose of modelling and leading improvement of teaching skills?</p> <p>How does the post fit within your current structure?</p> <p>Does such a post represent good value for money?</p> <p>What impact do you expect the post to have on the quality of teaching and on pupil outcomes?</p>
<b>Duties/job description</b>	<p>Exactly what do you expect the post-holder to do? How much of their time will be spent teaching their own classes? How much of that time will be spent working directly with colleagues? How will you allocate time for additional responsibilities?</p> <p>Will the post-holder work across the school or within a particular department/phase?</p> <p>Will there be any element of outreach? If so, will you charge other schools?</p>
<b>Person specification</b>	<p>What skills and experience will the post-holder need?</p>
<b>Salary</b>	<p>How much will you need to pay in order to attract and retain the right candidate?</p> <p>How wide should the individual post range for the post be?</p> <p>If you are creating more than one post, will all posts be paid on the same individual post range? If not, how will you ensure that the demands of different posts justify different ranges?</p>



## Managing appeals against pay determination

Teachers have the right to raise formal appeals against pay determinations if, for example, they believe that the person or committee by whom the decision was made:

- a) incorrectly applied the school's pay policy
- b) incorrectly applied any provision of the STPCD
- c) failed to have proper regard to statutory guidance
- d) failed to take proper account of relevant evidence
- e) took account of irrelevant or inaccurate evidence
- f) was biased or,
- g) unlawfully discriminated against the teacher

## Support for school leaders and governors

It is important that school leaders and governors are well supported in managing pay and appeals processes. Governing bodies may seek Human Resource (HR) advice to guide them in exercising their judgement and should ensure that there are minuted, auditable decisions on pay and appeals processes. HR advice should be available if needed during any formal hearings, or as soon afterwards as is reasonably practicable, and before any decision is confirmed. The HR provider should be familiar with the duties placed on schools by the Equality Act 2010, the ACAS Code of Practice - Disciplinary and Grievance Procedures and relevant case law concerning pay grievances and equal pay claims. Schools should regularly review their choice of HR provider to ensure that it is competent in these areas.

Schools should ensure that an appeals procedure is in place before any pay determinations are made. The adoption of an appeals procedure after a pay appeal has already been lodged could leave schools open to legal challenge. An appeals policy should have clear timescales which are reasonable in all circumstances, make allowances for school holidays, yet allow appeals to be expedited in good time.

## Example of a pay appeals procedure

What follows is intended as a guide as there is no statutory process for schools to follow in terms of hearing pay appeals. A key aspect of the process is the opportunity for a teacher to discuss a pay recommendation prior to it being confirmed by the governing body. This stage in the process will help to ensure that pay decisions and pay policies are seen as transparent and fair. The opportunity to discuss a pay decision before it is made may also mitigate the need for the more formal stages two and three.

### **Stage one – informal discussion with the appraiser or headteacher prior to confirmation of pay recommendation**

A teacher who is dissatisfied with a pay recommendation has the opportunity to discuss the recommendation with the appraiser or headteacher before the recommendation is actioned and confirmation of the pay decision is made by the school.

### **Stage two – a formal representation to the person or governors' committee making the pay determination**

If, having had an informal discussion with the person making the pay recommendation, the teacher believes that an incorrect recommendation has been made, he/she may make representation to the person (or governors' committee) making the decision. To begin the process the teacher should submit a formal written statement to the person (or governors' committee) making the determination, setting down in writing the grounds of their disagreement with the pay recommendation.

The teacher is given the opportunity to make representations, including presenting evidence, calling witnesses, and the opportunity to ask questions at a formal meeting with the person (or governors' committee) who will make the pay determination. Following this meeting the person (or governors' committee) will make a pay determination that will be communicated to the teacher in writing.

### **Stage three – a formal appeal hearing with an appeals panel of governors**

Should the teacher not agree with the pay determination, the teacher may appeal the decision and have an appeal hearing before an appeals panel of governors.

In the hearing before governors, both the teacher and the management representative will have the opportunity to present their evidence and call witnesses; the parties will also be able to question each other. The panel is permitted to ask exploratory questions.

Having heard the appeal, the panel must reach a decision, which it must relay to the teacher in writing, including their rationale for reaching the decision. The appeal panel's decision is final and, as set out in Section 3, paragraph 7 of the STPCD 2017, there is no recourse to the general staff grievance procedure

## **Appeals hearings panels**

It is recommended that the panel which hears pay appeals should comprise three governors who were not involved in previous discussions regarding the teacher's pay determination. Governors on appeals panels should be familiar with the school's pay and appraisal policies. To ensure that appeals are properly considered, governing bodies should consider any training needs that their members have, including duties placed on the school by the Equality Act 2010 and the ACAS Code of Practice (Disciplinary and Grievance Procedures).

Teachers making representation at stage two and making an appeal at stage three may be accompanied by a colleague or representative from a professional organisation or trade union.

Pay appeals should be formally clerked and a note of proceedings should be produced.

## **Possible Pay Panel Hearing Procedure**

A suggested procedure for the conduct of formal hearings:

### **Introductions**

- Chair introduces everyone and explains what their role is, then outlines the order of the hearing.
- HR clerk takes notes of the hearing.

### **The employee case**

- Employee or their representative presents employee case providing any evidence to support their case, including from witnesses (if any).
- Management representative has the opportunity to question the employee.
- Chair asks questions and subsequently opens the discussion to the panel.

### **The management case**

- Management representative presents management case, providing any evidence to support their case, including any witnesses.
- Employee or their representative has the opportunity to question the management representative.
- Chair asks questions and subsequently opens the discussion to the panel.

### **Summarising and end of hearing**

- Employee or their representative sums up the employee case.
- Management representative sums up the management case.
- If appropriate, the Chair can sum up the key points on both sides. Chair will then end the hearing, advising the employee that they will receive the panel's decision in writing within a given timescale.

### **Decision-making**

- Panel meet to reach their decision.
- HR clerk notes main points of panel discussion and their decision.
- Panel obtains HR advice, if required, to inform their decision-making.

### **Communication of decision**

- Employee is notified of decision. Decision and reason for the decision confirmed in writing.

# Setting the pay of school leaders

## Summary of changes

The main changes introduced since September 2014 are:

- a simplified framework for leadership pay and greater autonomy for schools to set leadership pay in light of the school size, context and challenge;
- a simple approach to help governing bodies to set pay when appointing new headteachers, requiring them to assess the particular challenges and circumstances of their school and judge the extent to which these, together with the skills they are looking for, need to be reflected in the determination of a headteacher's individual pay range;
- formal headroom above the current leadership maximum to incentivise and reward headteachers taking on some of the largest and most challenging leadership roles;
- removing spine points, including the discretionary national reference points, and fixed differentials - to provide greater flexibility for governing bodies to manage the performance and reward of school leaders, with individual decisions on pay progression to be made according to performance;

The changes were designed to enable governing bodies to exercise their judgement at local level on the appropriate levels of pay for school leaders, according to the challenges and needs of the school.

The changes from September 2018 are:

- a 1.5% uplift to the minima and maxima of the leadership pay ranges.

## Role of the governing body

The governing body's role in relation to leadership pay is to

- consider annually whether or not to increase the salary of members of the leadership group
- set the appropriate levels of pay for the different roles
- consider and adopt pay and appraisal policies, including the criteria for pay progression
- assure themselves that appropriate arrangements for linking appraisal to pay are in place and can be applied consistently, and that pay decisions can be objectively justified

- approve salaries and the award of performance pay in line with the school's pay policy
- identify and consider budgetary implications of pay decisions and consider these in the school's spending plan.

## New appointments – the three-stage process

You should adopt the following three-stage process when setting the pay for **new appointments** to headship or the wider leadership team.

The pay of those in post will only need to be reviewed when there have been **significant** changes to responsibilities. The definition of a 'significant change' will vary according to the circumstances and context of an individual school. For instance, what may be a relatively small change for a large school, such as taking on one or two School Direct trainees for the first time, may represent a relatively significant change for a small school. The key is the extent to which the change creates new levels of accountability and responsibility for the leadership group member. It will be for the governing body to determine, in the light of a school's particular circumstances and context, the extent to which any change should be regarded as 'significant'.

The three-stage process offers governing bodies substantial flexibility to set pay at the level needed to attract headteachers and other members of the leadership team by systematically considering the circumstances of the role before advertising the post.

The three stages are:

- Stage 1 – Defining the role and determining the headteacher group
- Stage 2 – Setting the indicative pay range
- Stage 3 – Deciding the starting salary and individual pay range

You should ensure that all decisions and the reasons for them are well documented at every stage. All pay decisions must be made on objective criteria so that there is no discriminatory effect on any teacher or group of teachers with a particular protected characteristic under the Equality Act 2010.

### Stage 1 – Defining the role and determining the headteacher group

You should use this stage to define the job and identify the broad pay range as a provisional guide to determining an appropriate level of pay.

You will need to define and set out the specific role, **responsibilities and accountabilities** of the post as well as the **skills and relevant competencies** required.

For headteacher posts you should assign the school to a headteacher group which will determine the appropriate broad pay range. This should be done by calculating the total unit score for the school in accordance with paragraphs 5-8 of the STPCD 2017.

**Prompt**

Have you ensured that you have modified the total unit score to include, where appropriate, **permanent** responsibility for additional schools?

For other leadership group posts, you should consider how the role fits within the wider leadership structure of the school. The pay range for a deputy or assistant headteacher should only overlap the headteacher's pay range in exceptional circumstances.

**Prompt**

Does the role carry specific responsibilities and accountabilities which make it more challenging than other posts of a similar grade within the leadership group? Is the role very different from other leadership posts?

## Stage 2 – Setting the indicative pay range

At this stage you will need to consider the complexity and challenge of the role in the particular context of the school and make a judgement on pay in the light of this.

You should note that current discretionary payments, such as allowances for recruitment and retention, permanent additional responsibilities (e.g. the provision of initial teacher training (ITT)), and long-term provision to other schools, should be captured at this stage.

For headteacher posts it is expected that normally you will conclude that the total unit score fully captures the complexity of the headteacher role and that the relevant broad pay range accommodates appropriate levels of reward. You may wish to consider whether the indicative pay range should start at the minimum of the headteacher group or whether you wish it to start at a higher level because of the level of challenge of the post.

There may, however, be circumstances in which there are additional factors that suggest the indicative pay range should be higher than would be provided by the basic calculation in stage 1. The following represent some examples of the additional factors that you may wish to consider, these are *for guidance only and are not intended to provide an exhaustive list*:

- **the context and challenge arising from pupils' needs** e.g. if there is a high level of deprivation in the community (Free School Meal (FSM) entitlement and/or English as an Additional Language (EAL) indicators may be relevant) or there are high numbers of looked after children or children with special needs or there is a

high level of in-year pupil mobility, and this affects the challenge in relation to improving outcomes

- a **high degree of complexity and challenge** e.g. accountability for multiple schools or managing across several dispersed sites, which goes significantly beyond that expected of any headteacher of similar-sized school(s) and is not already reflected in the total unit score used at stage 1;
- **additional accountability not reflected in stage 1** e.g. leading a teaching school alliance;
- factors that may impede the school's ability to attract a field of appropriately qualified and experienced leadership candidates, e.g. location; specialism; level of support from the wider leadership team.

If you consider that circumstances warrant it, you can set the indicative pay range with a **maximum of up to 25%** above the top of the relevant headteacher group range. Above that limit, external independent advice must be sought and, should the advice suggest that additional payment is appropriate, a business case must be made and agreed by the full governing body.

You should ensure that no **double counting** takes place, e.g. of things taken account of in stage 1, such as responsibility for an additional school already reflected in the total unit score; or from using overlapping indicators, such as FSM and the pupil premium.

You **should not** increase base pay nor pay an additional allowance for regular local collaboration which is part of the role of all headteachers.

For other leadership roles the process is broadly the same. You should consider how the other leadership roles should be set in accordance with the level set for the headteacher and ensure that there is sufficient scope for progression.

At the end of this stage you should decide where in the broad range to position the indicative pay range and set this out clearly when you advertise the job. You should make an **overall judgement** on the position and breadth of range, allowing appropriate scope for performance-related progression over time, clearly linked to school improvement priorities and outcomes.

There should be a clear audit trail for all decisions made and the reasoning behind them.

**Prompt:**

Does the total unit score provide an appropriate pay range for the job?

Are there any additional factors that need to be taken into account in determining the indicative pay range?



You may consider that it is appropriate to apply more weight to some factors than others, e.g. the level of social challenge; managing more than one school; difficulty in making a suitable appointment. For those factors which are not expected to persist, such as **temporary responsibility** for an additional school, these should be reflected through an allowance rather than consolidated into the indicative pay range.

Is the role so challenging that the pay range should extend above the maximum of the headteacher group for the school?

Have you considered whether there is any relevant benchmarking information available that would support your judgement on whether the pay range is justifiable?

You may wish to seek the services of an experienced external adviser to validate your decisions. Do you know where you can go for further assistance or support, e.g. HR advice, in exercising your judgements?

Does the pay range provide scope for performance-related progression over time?

What is the appropriate differential between the pay ranges for different leadership posts? You will want to be sure that you consider the equality implications of any decisions over differentials.

Is there an audit trail to show the basis on which decisions have been made?

### Stage 3 – Deciding the starting salary and individual pay range

The first two stages provide the means for determining the appropriate pay range. The third stage is essentially about deciding on the starting salary for the individual who is to be offered the post.

At this stage you will have a preferred candidate for the role and will wish to set the starting salary in the light of candidate-specific factors, such as the extent to which the candidate meets the specific requirements of the post.

It will be important for you to ensure that there is scope for performance-related progression over time.

#### **Prompt:**

Have you considered what you would be willing to offer as the upper limit of a starting salary?

**Some examples of how the three-stage process might be used in practice are provided in Annex A.**

## Establishing a pay range above the school's headteacher group

The expectation is that in most cases the pay range will be within the limits of the headteacher group. However, in some cases, e.g. where there may be significant difficulty in making an appointment or there is a need to incentivise a head to take on responsibility for a very large school or to lead multiple large schools, it may be appropriate to consider extending the individual pay range.

The governing body can in such cases decide that the maximum of the pay range may be above the maximum of the headteacher group, **up to an additional 25%**.

It should be wholly exceptional for the maximum of the pay range to be more than an additional 25% higher than the maximum of the headteacher group. If it is considered that there are exceptional circumstances that warrant an extension beyond that limit, a business case would be required. You would need to seek external independent advice from an appropriate person or body who can consider whether it is justifiable to exceed the limit in a particular case. There must be a clear audit trail for any advice given and a full and accurate record of all decisions made and the reasoning behind them.

## Pay progression

It is the responsibility of the governing body to ensure that performance-based progression awards reflect individual performance.

The removal of the spine points gives greater flexibility to decide on the level of progression award appropriate to an individual's performance.

Schools should review and update their pay policies on an annual basis to ensure that they remain fit for purpose; schools should set out clearly their approach to making decisions about pay progression for the leadership group. Governing bodies will need to satisfy themselves that objective-setting is rigorous and that the school's pay policy provides a clear link between levels of achievement and progression.

## Fixed-term contracts

The expectation is that the vast majority of headteacher appointments will be on permanent contracts.

You may, however, wish to consider offering a fixed-term contract where you determine that the circumstances of the school require it, for example, to attract a good candidate where there is a high degree of professional risk associated with the task, such as turning around a school assessed to be vulnerable to a poor Ofsted judgement or a school that is judged as requiring significant improvement or special measures. You may wish to seek

external independent HR advice to ensure that you fully understand the consequences of using a fixed-term contract.

In establishing such a contract you will wish to consider how reward should be structured and whether achievement of objectives should be assessed over a shorter or longer timescale than would normally be the case. You will need to ensure that your school's pay policy has been revised to include details of how these contracts will be used and how rewards will be made.

## The Equality Act 2010

Schools must not directly discriminate against anyone because of a relevant protected characteristic<sup>2</sup>. Protected characteristics are set out in Section 4 of the Equality Act 2010 and are:

- age;
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy (including maternity leave)
- race
- religion or belief
- gender
- sexual orientation

For example, if a school chooses not to give a female teacher a pay rise because she is pregnant, that is unlawful. Indirect discrimination is also potentially unlawful where, for example, a school's pay policy, though applied equally to all, might disadvantage a particular group.

When formulating pay policies and making pay decisions, schools should take care to avoid discriminating against teachers on grounds of their protected characteristics. Schools should also give consideration so that teachers are not treated less favourably for the following reasons:

- a union-related reason;
- participating in protected (i.e. official) industrial action;
- a health and safety reason;

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<sup>2</sup> Protected characteristics are defined by the Equality Act 2010.

- asserting a statutory right (for example, the right to request flexible working);
- taking or requesting leave for family reasons;
- asserting a right under the Working Time Regulations;
- asserting rights under the Tax Credits Act 2002;
- because of the teacher's part-time status;
- because the teacher is on a fixed-term or temporary contract;
- because the teacher is absent on jury service.

At the same time, schools should recognise the benefits of taking equalities considerations seriously. A pay system that contributes to raising educational standards will also recognise and reward teachers fairly and appropriately.

All public authorities – including schools – must comply with the Public Sector Equality Duty (PSED) introduced by the Equality Act<sup>3</sup>. To discharge the duty schools must have due regard to the need to:

- (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by, or under, the Act<sup>4</sup>,
- (ii) advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it<sup>5</sup>,
- (iii) foster good relations between people who share a relevant protected characteristic and people who do not share it<sup>6</sup>.

The effect of the equality duty is that schools must have due regard to the needs at (i) to (iii) above in relation to the management of their pay policies. Public authorities are also required to prepare and publish equality objectives and publish information to demonstrate compliance with the general duty<sup>7</sup>. Complying with the PSED will also assist schools in avoiding direct or indirect discrimination.

## **What this means for teachers' pay**

In the context of teachers' pay this means that, whenever pay policies are amended or pay decisions made for individuals, decision-makers and appraisers in schools should assess whether there are implications for people with particular protected characteristics. In particular, equality should be considered in relation to:

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<sup>3</sup> Section 149 of the Equality Act 2010.

<sup>4</sup> Applies to all protected characteristics.

<sup>5</sup> Applies to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

<sup>6</sup> As per 6 above.

<sup>7</sup> The Equality Act 2010 (Specific Duties) Regulations 2011

- **Objective setting** – the nature and weighting of performance objectives agreed during a teacher’s appraisal should be non-discriminatory and should provide teachers with an equal opportunity to access pay progression. This consideration requires particular attention to be given to whether individual teachers may face barriers to the achievement of objectives that relate to a protected characteristic. This will have implications for the training of appraisers and for the moderation of the appraisal arrangements at the school;
- **Pay progression criteria** – the nature and degree of challenge of pay progression criteria should be considered to avoid indirect discrimination.
- **Recommendations and decisions on teachers’ pay progression** – the outcomes should be recorded and reported, taking account of the profile/characteristics of those who are granted pay progression and those who do not receive pay progression;
- **The nature and scale of pay progression of teachers at the school** – in particular, where some teachers receive accelerated pay progression (e.g. double-jumping), the governing body should look at the profile/characteristics of the teachers concerned as against other teachers not in receipt of accelerated progression;
- **The training of appraisers** – all managers should understand and implement the PSED;
- **The training of appraisees** – all teachers should understand the school’s policy and procedures to fulfil the PSED and be able to identify how this is being applied in their own case.
- **The moderation of the appraisal arrangements at the school** – these must ensure that the PSED is fully met and allow for modification of initial outcomes to ensure that discrimination does not occur;
- **Appeals** – both in terms of teachers accessing the appeals process and the outcome of pay appeals at the school.

It is good practice for schools to record what steps they undertake to avoid discrimination, before and at the time that they develop policy and take decisions, and monitor the effectiveness of those steps in eliminating discrimination - they should also keep these under review on a continuing basis. Equality monitoring is the most effective and efficient method of identifying potential inequality in workplace policies and procedures. The Equality and Human Rights Commission (EHRC) has published a considerable amount of information to help employers undertake equality monitoring. Once potential inequalities have been identified, schools should take steps to amend arrangements in order to avoid discrimination. On-going equality analysis can assist schools in identifying any potential inequality and would help demonstrate that the school is attempting to eliminate discrimination and advance equality etc. A breakdown of pay decisions according to each protected characteristic (where applicable) would provide an

initial snap-shot. Comparisons year-on-year would then show trends and may identify potential discriminatory practices or procedures.

It is also important that considerations about equality issues, either at a system level or for individual teachers, take account of the cumulative effect of decisions over time. For example, individual pay progression decisions in a particular year may in themselves be taken in accordance with the school's pay policy. When all of the pay decisions in a school are looked at over a number of years, it may however become apparent, for example, that a greater proportion of men received higher rates of pay progression or faster pay progression than women. This kind of pattern may be an indication of some form of inequality in the decision-making process and should come to light if the PSED is properly discharged. Indirect discrimination in pay decisions is more common than direct discrimination and is likely to be highlighted by annual equality monitoring of pay decisions.

Although, as set out above, it is important that schools embed equality throughout their management of the appraisal and pay determination process, there are some specific key areas where schools will want to take particular care in terms of ensuring that equality issues are properly considered and unlawful discrimination avoided.

#### **(i) Pay portability**

Whilst there is no longer any statutory requirement in the STPCD for the relevant body to match teachers' previous salaries when they are appointed to a post, it is free to do so if it chooses. This includes the freedom to pay teachers more than their previous salary from the start of their new employment in a school.

The relevant body must ensure that, when considering new appointments and appropriate levels of salary, the decisions taken do not discriminate against teachers because of a protected characteristic under the Equality Act 2010. Salary determinations made at school level should also be monitored to ensure that decisions in respect of starting salary/pay portability are not discriminatory.

In respect of career breaks, the relevant body must ensure that, although it is good practice for a teacher and a school to agree the terms on which the teacher will return from the break, the potential for indirect discrimination in any such agreement is fully assessed and, if necessary, prevented.

The relevant body must avoid discriminating against teachers returning to the profession following a career break whether they return to the same school or to another school. Blanket policies against pay portability are likely to disadvantage women teachers who have taken a break from teaching to give birth and/or to care for their children.

## **(ii) Teachers who are on maternity or long-term disability or sickness absence**

Schools should ensure that their pay policies do not discriminate on grounds of disability or pregnancy/maternity status. Schools should ensure that the pay progression criteria recognises the potential for indirect discrimination in relation to pay progression decisions, and that measures which disadvantage teachers on grounds of absence due to pregnancy/maternity or disability are potentially discriminatory and therefore unlawful. Where a teacher is away from school because of maternity leave, it is unlawful for the school to deny that teacher an appraisal and subsequent pay progression decision because of her maternity. When a teacher returns to work from maternity leave, the school must give her any pay increase that she would have received, following appraisal, had she not been on maternity leave.

Schools need to take a practical and flexible approach to conducting appraisals and making pay decisions for those absent on maternity leave, including where a teacher has been absent for part or all of the reporting year.

In those circumstances, schools should ensure that the absent teacher receives fair treatment while ensuring the integrity and robustness of the school's appraisal process for all teachers. When considering these options, schools should seek to ensure that they minimise bureaucracy for all involved. Schools should consider conducting appraisals prior to individuals departing on maternity leave, even if this is early in the appraisal year, and basing any appraisal and pay determination on the evidence of performance to date in that appraisal year. Account could also be taken of performance in previous appraisal periods if there is very little to go on in the current year. However, schools should not require teachers to use Keeping in Touch (KIT) days for the purposes of appraisal.

Schools should ensure that their pay and appraisal policies incorporate any adjustments which can reasonably be made to give a teacher who is absent for disability related reasons an equal opportunity to participate in appraisal and to access pay progression. While there is no equivalent of the "maternity equality clause" (i.e. the clause that deems a woman to have received a pay rise to which she would have been entitled had she not been on maternity leave) in the Equality Act, schools should consider utilising the same range of options outlined above for teachers on maternity leave.

When a teacher returns to work following a disability related absence, the school must not refuse a pay increase that the teacher would have received, following appraisal, had he or she not been absent for a reason related to disability, if the reason for the refusal is the teacher's disability or the refusal cannot be objectively justified.

## **(iii) Equal pay considerations**

Even where individual schools have robust pay policies in place and make pay decisions for individual teachers that are compliant with the direct discrimination provisions in the Equality Act, there is still the possibility for equal pay issues to arise. This may be where, for example, teachers seek to demonstrate that the pay policy in one school

disadvantages teachers in that school compared to teachers in another employed by the same employer; and the former school had a greater proportion of either men or women affected by the respective pay policy. At this point, in order to successfully defend the claim, the employer of the teachers in both schools would need to be able to show objective justification for the difference in pay.

The principal means of preventing equal pay claims is for schools to ensure that individual pay decisions are fully compliant with the Equality Act as set out above, and that the duty to have due regard is discharged. Schools will need to satisfy themselves that pay decisions year-on-year are not indicating a pattern that might cause concern. This may be, for example, where a disproportionately higher number of men than women are receiving progression generally or higher rates of progression.

Schools should consider identifying:

- the pay profile of teachers by age, disability, race and gender;
- the reasons that teachers with different protected characteristics are rewarded differently if that is the case;
- whether teachers who share particular protected characteristics are being treated less favourably than other teachers.

The government is clear that the duties on schools and employers should not be overly burdensome and schools and local authorities will need to consider how to make best use of the data they already collect in relation to pay and how this may change as pay policies and schools' confidence in using and refining them mature over time.



# Allowances and other payments

## Allowances

The main changes introduced since September 2014 are:

- removing the requirements for specific differentials between different payments in the same school;
- streamlining the allowances available to headteachers.

The need for a minimum differential of £1500 between the value of TLR payments paid to teachers on the same pay range within a school has been removed. Schools now have the freedom to decide for themselves the relative weight of TLR posts and the appropriate levels of reward. Posts of equal weight should be allocated equal value. Schools should set out their approach and the rationale for it in their pay policy, including how they will take account of an uplift to the national pay framework in respect of any allowances in payment.

**Prompt:**

You will need to ensure that, as with all other aspects of your pay policy, any decisions are made on objective criteria so that there is no discriminatory effect on any teacher or group of teachers with a particular protected characteristic under the Equality Act 2010.

Schools may make payments or provide financial assistance or benefits to aid recruitment or retention. An advance of salary for a rental deposit is one of a number of tools that schools may wish to consider as an incentive for the recruitment of new teachers and the retention in their service of existing teachers. Other examples of assistance include transport season ticket loans for travel costs, a one-off payment such as a contribution to removal costs, or a time-limited allowance.

The expectation is that the new approach to setting pay for newly appointed headteachers will make additional payments by means of allowances largely unnecessary. The exception to this will be for temporary or irregular responsibilities or other very specific reasons which it is not appropriate to incorporate into permanent pay, such as housing or relocation costs. Such payments should be clearly time-limited from the outset and cease when the responsibility ceases or circumstances change. Safeguarding does not apply to such payments. The total value of the salary and temporary payments made to a headteacher in any one year must not exceed 25% above the maximum of the headteacher group for their school.

The principles for payment of allowances for members of the wider leadership group should be consistent with those for head teachers.

## Non-pay terms and conditions

Non-pay conditions for teachers are crucial to a school's performance and create the conditions to secure effective teaching and learning. The STPCD continues to provide that teachers should not be required routinely to participate in any administrative, clerical and organisational tasks which do not call for the exercise of a teacher's professional skills and judgement. Similarly, the STPCD continues to include its long-standing provisions on protections for teachers, for example, those relating to cover and entitlement to planning, preparation and assessment (PPA) time and other entitlements, including on work/life balance and leadership and management time.

The STRB recommended however that the detailed guidance about the framework of non-pay terms and conditions, much of which was introduced over a decade ago, and the illustrative list of 21 tasks that teachers should not routinely be expected to carry out, are no longer necessary or desirable. While the removal of the illustrative list of 21 tasks does not mean that teachers should now be required to undertake such tasks routinely, the STRB considered that schools should be able to use their discretion to make sensible professional judgements at school level about how to apply the statutory principles underlying the non-pay conditions to best meet the needs of their pupils. These recommendations were accepted.

Schools should however note that the core provisions on the principles of working time, planning, preparation and assessment (PPA) time, "rarely cover" and not routinely being required to undertake administrative and clerical tasks remain unchanged. The removal of statutory guidance on those matters does not change any of the requirements or practices relating to statutory non-pay terms and conditions. Schools are responsible for ensuring full compliance with all the statutory provisions and should discuss with staff how they could help to further reduce workload.

## Managing teacher workload

Paragraph 53.4 of the School Teachers' Pay and Conditions Document states:

**Work/life balance:** Governing bodies and headteachers, in carrying out their duties, must have regard to the need for the headteacher and teachers at the school to be able to achieve a satisfactory balance between the time required to discharge their professional duties including, in particular, in the case of teachers to whom paragraphs 52.2-52.12 apply, their duties under paragraph 52.7, and the time required to pursue their personal interests outside work. In having regard to this, governing bodies and headteachers should ensure that they adhere to the working limits set out in the Working Time Regulations 1998(20).

It is important that Governing Boards and headteachers pay due consideration to the three independent reports on eliminating unnecessary workload in relation to [marking](#), [planning and resources](#), and [data management](#), published in March 2016. These reports set out principles and recommendations that should be used to eliminate unnecessary workload in these areas.

## **Guaranteed planning and preparation time**

Paragraph 53.5 of the School Teachers' Pay and Conditions Document states:

**Guaranteed planning and preparation time:** All teachers who participate in the teaching of pupils are entitled to reasonable periods of Planning, Preparation and Assessment (PPA) time as part of the 1265 hours referred to in paragraph 52.5 or pro rata equivalent (as the case may be) to enable the discharge of the professional responsibilities of teaching and assessment. PPA time must be provided in units of not less than half an hour during the school's timetabled teaching week and must amount to not less than 10% of the teacher's timetabled teaching time. A teacher must not be required to carry out any other duties during the teacher's PPA time.

It will also be important to consider the messages, principles and recommendations from the independent report on eliminating unnecessary workload in relation to [planning and resources](#) published in March 2016. This states that planning should take place in purposeful and well defined blocks of time.

## Annex A

### Using the three-stage process – illustrative examples

1. A school with 200 pupils on roll has a vacancy for a head. Its last inspection 18 months previously judged it a good school with only minor issues to address. Under stage 1 it is assigned to headteacher group 2 – the broad pay range for the headteacher's post is £46,799 - £63,779. Under stage 2 the governing body considers that there are no additional factors that need to be taken into account and decides to set the indicative pay range at £46,800-£54,600. Having selected a candidate who met all the requirements of the job specification, the governing body decides to set the salary on appointment at £47,500.
2. A school with 200 pupils on roll has a vacancy for a head. It is a challenging school with a much higher than average proportion of pupils on Free School Meals (FSM) and it has recently been rated by Ofsted as requiring significant improvement. Under stage 1 it is assigned to headteacher group 2 – the broad pay range for the head's post is £46,799 - £63,779. Under stage 2 the governing body considers that, because of the particular challenges that the school is facing, it needs to recruit an experienced school leader who has the skills and competencies to take the school forward. It decides to set the indicative pay range towards the top of the broad range, i.e. £55,000-£63,100. Having selected a candidate who met all the requirements of the job specification, the governing body decides to set the salary on appointment at £56,200.
3. A school with 200 pupils on roll is in a federation with a similar school of the same size. One school is performing well, but the other has recently been placed in special measures. The vacancy is for a headteacher who will be accountable for the federation's schools' outcomes. Under stage 1 the post is assigned to headteacher group 3 – the broad pay range is £50,476 - £68,643. Under stage 2 the governing body considers that, due to the complexity of the role and the challenges involved in managing more than one school (one of which requires a real focus on improvement), it needs to recruit an experienced headteacher with a very particular skillset. It decides that, because there may be difficulty in appointing, it may be necessary to consider extending the indicative pay range beyond the maximum of the group 3 pay range. It decides to set the indicative pay range at £62,200-£74,400. Having selected an appropriate candidate, the governing body decides to set the salary on appointment at £65,300.
4. A secondary school with 600 pupils on roll in a challenging area with a much higher than average proportion of pupils on FSM has a vacancy for a headteacher. Under stage 1 the head's post is assigned to headteacher group 5 – the broad pay range is £59,857 - £81,478. Under stage 2 the governing body considers that, due to the challenge of the role and the fact that the school is a teaching school, it requires an experienced high-performing headteacher. It sets an indicative pay range at

£62,200-£71,400. Following some difficulty in recruiting, it has selected a candidate with a very strong track record in headship and decides that it would be appropriate to revise the pay range for the post. It sets the salary on appointment at £70,200 with scope to progress to £80,300 over time, subject to performance.

5. A large secondary school with 2,000 pupils on roll is in a federation with another school with 1,000 pupils. Under stage 1 the post is assigned to headteacher group 8 – the broad pay range is £76,466 - £109,366. Under stage 2 the governing body considers that, due to the accountability for two schools with a very large total number of pupils, it would be appropriate to extend the indicative pay range beyond the maximum of group 8. Using its discretion to extend by up to 25%, it decides to set the indicative pay range at £108,000-£124,200. Having selected a candidate, the governing body decides to set the salary on appointment at £108,000.
6. The governors of three separate, small rural schools wish to appoint an executive headteacher. Under stage 1 the total unit score for the three schools assigns the post to headteacher group 1 – the broad pay range is £44,544 - 59,264. Under stage 2 an appointing committee representing the three governing bodies considers that, because of the challenges of such a post involving three schools and three budgets, they need to recruit an experienced school leader and decide to extend the indicative pay range beyond the maximum of group 1. Using its discretion to extend by up to 25%, it decides to set the indicative pay range at £56,000-£66,200. Having selected a candidate, the salary on appointment is set at £56,000.

# Annex B

## Model pay policy

### Introduction

The School Teachers' Pay and Conditions Document ("The Document") requires schools and local authorities to have a pay policy which sets out the basis on which they determine teachers' pay; the date by which they will determine the teachers' annual pay review; and the procedures for determining appeals. Schools and local authorities must stay within the legal framework set out in the Document and in other relevant legislation that affects all employers (for example, legislation on equality, employment protection and data protection). All procedures for determining pay should be consistent with the principles of public life - objectivity, openness and accountability.

The 2013 Document made a number of changes to how teachers' pay would be determined from September 2013. This model policy was developed to help headteachers and governing bodies to revise their pay policies to reflect those changes. It is non-statutory and is provided as an optional resource for schools and others to draw on as they wish. It recommends a structure for schools to follow and covers the key areas of pay discretion that schools need to consider. It includes text which governing bodies could adopt for their own pay policies – but schools are free to use their own text if they choose. It covers pay arrangements for teachers who are being paid on the unqualified, main and upper pay ranges and the pay range for leading practitioners. It is written from the perspective of a school but could be adapted for use by local authorities.

One of the main changes in the 2013 Document was that all pay progression from September 2014 should be linked to performance. It is suggested that schools and local authorities consider their pay policy alongside their appraisal policy and cross-refer where that is helpful. Both pay and appraisal policies should make clear the school's compliance with equalities legislation.

This model policy does not include any sections covering:

- i) those who are on the leadership scale
- ii) safeguarding arrangements
- iii) allowances and additional payments
- iv) arrangements for handling grievances or appeals

New progression arrangements also came into effect for all school leaders from the 2014/15 appraisal year for payment from September 2015. Schools should have revised their pay and appraisal policies as a consequence of the removal of pay spine points to clarify their approach to making performance-based pay decisions for the leadership group.

Previous pay policies should already have set out the procedures that apply when any teacher seeks a review of any decision made by the headteacher or governing body that affects their pay. Hearings and appeals against pay decisions must meet the dispute resolution requirements of employment law, in accordance with Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended). In basic terms, these provide that employers and employees must follow the ACAS Code of Practice 1 – Disciplinary and Grievance Procedures. Further advice on managing appeals against pay determination is set out on pages 24-27.

## **Model policy for determining teachers' pay**

The Governing Body of \_\_\_\_\_ School adopted this policy on \_\_\_\_\_

### **INTRODUCTION**

This policy sets out the framework for making decisions on teachers' pay. It has been developed to comply with current legislation and the requirements of the School Teachers' Pay and Conditions Document (STPCD) and has been consulted on with staff and/or the recognised trade unions.

In adopting this pay policy the aim is to:

*[Insert your school's aims here. For example:*

- *maximise the quality of teaching and learning at the school*
- *support the recruitment and retention of a high quality teacher workforce*
- *enable the school to recognise and reward teachers appropriately for their contribution to the school*
- *help to ensure that decisions on pay are managed in a fair, just and transparent way.]*

Pay decisions at this school are made by the Governing Body.

*(Insert any particular arrangements for your school. For example, decisions may be made by an individual (e.g. a governor or the head) or a pay committee of the Governing Body).*

### **PAY REVIEWS**

**The Governing Body will ensure that each teacher's salary is reviewed annually, with effect from 1 September and no later than 31 October each year, and that all teachers are given a written statement setting out their salary and any other financial benefits to which they are entitled.**

Reviews may take place at other times of the year to reflect any changes in circumstances or job description that lead to a change in the basis for calculating an

individual's pay. A written statement will be given after any review and where applicable will give information about the basis on which it was made.

**Where a pay determination leads or may lead to the start of a period of safeguarding, the Governing Body will give the required notification as soon as possible and no later than one month after the date of the determination.**

## **BASIC PAY DETERMINATION ON APPOINTMENT**

The Governing Body will determine the pay range for a vacancy prior to advertising it. On appointment it will determine the starting salary within that range to be offered to the successful candidate.

In making such determinations, the Governing Body may take into account a range of factors, including:

*(Insert as applicable – these options are for guidance only, are not intended to provide an exhaustive list, and may not apply to all appointments:*

- *the nature of the post*
- *the level of qualifications, skills and experience required*
- *market conditions*
- *the wider school context)*

There is no assumption that a teacher will be paid at the same rate as they were being paid in a previous school.

## **PAY PROGRESSION BASED ON PERFORMANCE**

*(September 2013 was the last time when teachers on the main scale received annual increments. Performance-related progression should now be the basis for all pay decisions. **Any reference to annual increments in existing pay policies should be removed.** Schools have the flexibility to develop their own policies to link progression pay to performance).*

In this school all teachers can expect to receive regular, constructive feedback on their performance and are subject to annual appraisal that recognises their strengths, informs plans for their future development, and helps to enhance their professional practice. The arrangements for teacher appraisal are set out in the school's appraisal policy.

**Decisions regarding pay progression will be made with reference to the teachers' appraisal reports and the pay recommendations that they contain. In the case of NQTs, whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process.** It will be possible for a 'no progression' determination to be made without recourse to the capability procedure.



To be fair and transparent, assessments of performance will be properly rooted in evidence. In this school we will ensure fairness by *(insert here how the school will ensure that objectives and assessments are consistent, including any arrangements for quality assurance and moderation)*. We will minimise the impact on workload for individual teachers, line managers and headteachers throughout the process.

The evidence we will use will include *(insert here the range of sources that may be used as the basis for assessing performance (e.g. self-assessment, peer review, tracking pupil progress, lesson observations, the views of pupils and parents))*.

Teachers' appraisal reports will contain pay recommendations. Final decisions about whether or not to accept a pay recommendation will be made by the Governing Body, having regard to the appraisal report and taking into account advice from the senior leadership team. The Governing Body will consider its approach in the light of the school's budget and ensure that appropriate funding is allocated for pay progression at all levels.

*(In developing your policy on linking progression pay to performance, you should consider:*

- Whether the measures of performance will be absolute or relative or a combination of both*
- The levels of performance that will be required for progression to be awarded*
- How progression will be differentiated – so that the very highest performers can progress faster.)*

*(Examples of the different approaches that schools could take, e.g. absolute performance measures, relative performance measures or a combination of both, are provided in an appendix to this policy – schools could choose to use one of these, but they are also free to use their own.)*

In this school, judgements of performance will be made against *(insert here how performance will be assessed against objectives and the relevant standards)* and teachers will be eligible for pay progression if *(insert here what the minimum expectations are for the different rates of pay progression and whether the criteria to be used will be absolute, relative or a combination of both – see appendix for examples)*.

## **MOVEMENT TO THE UPPER PAY RANGE**

### **Applications and Evidence**

Any qualified teacher may apply to be paid on the upper pay range and **any such application must be assessed in line with this policy**. It is the responsibility of the teacher to decide whether they wish to apply to be paid on the upper pay range.

Applications may be made at least once a year.

*(Insert information about application deadlines (e.g. start/end Academic year or terms – or an alternative deadline), applying particular attention to ensuring every teacher is treated fairly).*

If a teacher is simultaneously employed at another school(s), they may submit separate applications if they wish to apply to be paid on the upper pay range in that school or schools. This school will not be bound by any pay decision made by another school.

All applications should include the results of reviews or appraisals under the 2011 or 2012 regulations, including any recommendation on pay (or, where that information is not applicable or available, a statement and summary of evidence to demonstrate that the applicant has met the assessment criteria). Applications should contain evidence from *(insert the period of time that evidence should cover, ensuring that teachers who have had breaks in service are treated equitably. Include also information about how and to whom (e.g. line manager/ subject leader/ head of school/ head teacher) applications should be made and, if written applications are required, whether the school will provide a standard form).*

## **The Assessment**

**An application from a qualified teacher will be successful where the Governing Body is satisfied that:**

- (a) the teacher is highly competent in all elements of the relevant standards; and**
- (b) the teacher's achievements and contribution are substantial and sustained.**

**For the purposes of this pay policy:**

- 'highly competent' means **[insert agreed definition]**;

*(e.g. performance which is not only good but also good enough to provide coaching and mentoring to other teachers, give advice to them and demonstrate to them effective teaching practice and how to make a wider contribution to the work of the school, in order to help them meet the relevant standards and develop their teaching practice)*

- 'substantial' means **[insert agreed definition]**

*(e.g. of real importance, validity or value to the school; play a critical role in the life of the school; provide a role model for teaching and learning; make a distinctive contribution to the raising of pupil standards; take advantage of appropriate opportunities for professional development and use the outcomes effectively to improve pupils' learning); and*

- 'sustained' means **[insert agreed definition]**

*(e.g. maintained continuously over a long period e.g. X number of school year(s)).*

The application will be assessed (***insert details** of how the school will ensure that applications are assessed robustly, transparently and equitably, including who makes the initial assessment (e.g. line manager/subject leader/head of school/head teacher) and the role of the Governing Body in making the final determination).*

## **Processes and procedures**

The assessment will be made within/by (***insert number** of days (e.g. 10/15/20 working days) before the applicant will receive a response to their application, or if there is a single deadline for applications, whether there will be a single date for applicants to be informed of the outcome).*

If successful, applicants will move to the upper pay range from (***insert timing** of move to upper pay range (e.g. start of term/academic year), including whether there will be a single date for all moves to the upper pay range to take place).* (*Insert who will decide (e.g. head teacher/Governing Body/Pay Committee) where on the upper pay range a successful teacher is placed, and, if teachers can start further up the range, insert how their position on the upper pay range will be decided in a fair and consistent way (e.g. based on considerations including:*

- the nature of the post and the responsibilities it entails
- the level of qualifications, skills and experience of the teacher).)

If unsuccessful, feedback will be provided by (***insert who will provide the feedback** (e.g. line manager/subject leader/head teacher/ head of school), how it will be given, what it will include and when it will be provided (e.g. within 10/15/20/X working days of decision)).*

Any appeal against a decision not to move the teacher to the upper pay range will be heard under the school's general appeals arrangements.

## **PART-TIME TEACHERS**

Teachers employed on an ongoing basis at the school but who work less than a full working week are deemed to be part-time. The Governing Body will give them a written statement detailing their working time obligations and the standard mechanism used to determine their pay, subject to the provisions of the statutory pay and working time arrangements and by comparison with the school's timetabled teaching week for a full-time teacher in an equivalent post.

## **SHORT NOTICE/SUPPLY TEACHERS**

Teachers employed on a day-to-day or other short notice basis will be paid on a daily basis calculated on the assumption that a full working year consists of 195 days; periods of employment for less than a day being calculated pro-rata.

## **PAY INCREASES ARISING FROM CHANGES TO THE DOCUMENT**

The increase to the national framework as set out in the Document will (***insert here as appropriate** - only apply to the minima and maxima of individual pay ranges and allowances/apply to all the pay range points and allowances in the school's pay policy*).

Teachers on the minima of the pay range, (*who are not due to receive performance-related progression*), will have their salary uplifted by x% (*the increase to the national pay framework as set out in the Document*).

*(It is not intended that any uplifts to the national framework should translate into uniform pay increases for every teacher within every school. It is for schools themselves to decide the extent to which any uplift to pay ranges and allowances within the national pay framework should apply to their teachers. You will need to set out how you intend to take account of such uplifts in making individual pay awards, e.g teachers will not automatically have their pay increased in accordance with uplifts to the Document; any individual increase will be on the basis of performance and in line with the criteria for pay progression set out in this policy.)*

## **MONITORING THE IMPACT OF THE POLICY**

The Governing Body will monitor the outcomes and impact of this policy on a regular basis (***insert the frequency**, e.g. yearly/biennially*), including trends in progression across specific groups of teachers to assess its effect and the school's continued compliance with equalities legislation.

## APPENDIX – EXAMPLES OF APPROACHES TO PAY PROGRESSION BASED ON PERFORMANCE

### Example 1 – Absolute performance measures

In this school judgements of performance will be made against the extent to which teachers have met their individual objectives and the relevant standards and how they have contributed to *(insert here any specific impacts the school may wish to take into account, e.g. impact on pupil progress; impact on wider outcomes for pupils; improvements in specific elements of practice, such as behaviour management or lesson planning; impact on effectiveness of teachers or other staff; wider contribution to the work of the school).*

The rate of progression will be differentiated according to an individual teacher's performance and will be on the basis of absolute criteria *(it may be helpful to **indicate here** the size of individual pay progression increases that may result for each category, e.g. an increment of £x).*

Teachers will be eligible for a pay increase of £x if their performance has been assessed as "very good" *(insert here what the minimum expectations are for this level of increase – e.g. "they meet all their objectives, are assessed as fully meeting the relevant standards, show a commitment to improving their own performance as well as others and to continuing professional development, and all teaching is assessed as at least good with some teaching being assessed as outstanding").*

Teachers may be eligible for £y (a lower level of increase if their performance has been assessed as "good" *(insert here the level of performance that may lead to less rapid progress in a year – e.g. "they meet all their objectives, are assessed as meeting the relevant standards and all teaching is assessed as at least good").*

Teachers will be eligible for £z (a higher level of increase) if their performance has been assessed as "outstanding" or "exceptional" *(insert here how the highest performing teachers will be able to make quicker progress up the pay range – e.g. the expectations will be that "they exceed all their objectives, are assessed as fully meeting the relevant standards, all of their teaching is assessed as outstanding, and they show a strong commitment to the school, prepared to go above and beyond the call of duty, when necessary, acting as an exemplar for others and showing a commitment to improving their own performance and to continuing professional development").*

*(There is however no obligation to increase an individual's pay unless it is warranted by performance. For instance, teachers may be performing satisfactorily, meeting most of their objectives (but not all) and with much of their teaching (but again not all) assessed as good. In such circumstances the school may consider that such a level of performance will result in zero pay progression in that year.)*

## Example 2 – Relative performance measures

In this school judgements of performance will be made against the extent to which teachers have met their individual objectives and the relevant standards and how they have contributed to *(insert here any specific impacts the school may wish to take into account, e.g. impact on pupil progress; impact on wider outcomes for pupils; improvements in specific elements of practice, such as behaviour management or lesson planning; impact on effectiveness of teachers or other staff; wider contribution to the work of the school)*.

The rate of progression will be differentiated according to an individual teacher's performance and will be on the basis of relative criteria *(it may be helpful to **indicate here** the size of individual pay progression increases that may result for each category, e.g. an increment of £x)*.

Teachers will be eligible for a pay increase of £x if *(insert here what the minimum expectations are for this level of increase – e.g. “they are judged as being within the top 20/15/x% of teachers in their school”)*.

Teachers may be eligible for £y (a lower level of increase) if *(insert here the level of performance that may lead to less rapid progress in a year – e.g. “they are judged as being within the top 40/30/ y% of teachers in their school”)*.

Teachers will be eligible for £z (a higher level of increase) if *(insert here how the highest performing teachers will be able to make quicker progress up the pay range – e.g. the expectations will be that “they are judged as being within the top 10/5/z% of teachers in their school”)*.

*Teachers judged as being in the bottom 5/10/x% of teachers in the school will not be eligible for any increase.*

## Example 3 – Combination of absolute and relative performance measures

In this school judgements of performance will be made against the extent to which teachers have met their individual objectives and the relevant standards and how they have contributed to *(insert here any specific impacts the school may wish to take into account, e.g. impact on pupil progress; impact on wider outcomes for pupils; improvements in specific elements of practice, such as behaviour management or lesson planning; impact on effectiveness of teachers or other staff; wider contribution to the work of the school)*.

The rate of progression will be differentiated according to an individual teacher's performance and will be on the basis of a combination of absolute and relative criteria *(it may be helpful to **indicate here** the size of individual pay progression increases that may result for each category, e.g. an increment of £x)*.

Teachers will be eligible for a pay increase of £x if their performance has been assessed as “very good” (**insert here** what the minimum expectations are for this level of increase – e.g. “they meet all their objectives, are assessed as fully meeting the relevant standards, show a commitment to improving their own performance as well as others and to continuing professional development, and all teaching is assessed as at least good with some teaching being assessed as outstanding”).

Teachers may be eligible for £y (a lower level of increase) if their performance has been assessed as “good” (**insert here** the level of performance that may lead to less rapid progress in a year – e.g. “they meet all their objectives, are assessed as meeting the relevant standards and all teaching is assessed as at least good”).

Teachers will be eligible for £z (a higher level of increase) if their performance has been assessed as “outstanding” or “exceptional” (**insert here** how the highest performing teachers will be able to make quicker progress up the pay range – e.g. the expectations will be that “they are judged as being within the top 10/5/x% of those teachers in their school who also meet the absolute expectations for progression”).

Teachers judged as being in the bottom 5/10/x% of teachers in the school will not be eligible for any increase.

## Further Sources of Information

### Useful resources and external organisations

#### Appraisal

Appraisal arrangements in England from September 2012 (including the Department's optional model policy):

- [Teacher appraisal and capability a model policy for schools](#)

Appraisal arrangements in Wales (including model policy template):

- [Performance management for Headteachers, teachers and unattached teachers](#)

#### Standards

The Teachers' Standards (which apply in England) and Practising Teacher Standards (which apply in Wales) can be found in Annex 1 of the STPCD 2018. More information is available at

- [Teachers' standards in England](#)
- [Revised professional standards for education practitioners in Wales](#)

#### Equalities Issues

Links to advice on the Equalities Act 2010:

- [The Equalities and Human Rights Commission \(EHRC\)](#)
- [The Equality Act 2010: advice for schools](#)
- [EHRC guidance for employers on the Equality Act 2010](#)
- [EHRC Publication - Equal Pay: Statutory Code of Practice](#)

#### Ofsted expectations

Ofsted's expectations on quality of teaching - see paragraphs 151-160 of the [School Inspection Handbook from September 2015](#)

Ofsted's expectations on the effectiveness of leadership and management - see paragraphs 137-150 of the [School Inspection Handbook from September 2015](#)

[Ofsted's expectations on minimising workload – see paragraph 28 of the School Inspection Handbook.](#)



## Workforce planning

Guidance to support school leaders in deploying their staff effectively and efficiently:

- [School workforce planning](#)
- [Flexible working in schools](#)
- School staffing and [employment](#)

## Managing teacher workload

- Report from Marking Policy Review Group on eliminating unnecessary workload – <https://www.gov.uk/government/publications/reducing-teacher-workload-marking-policy-review-group-report>
- Report from Planning and Resources Review Group on eliminating unnecessary workload – <https://www.gov.uk/government/publications/reducing-teacher-workload-planning-and-resources-group-report>
- Report from Data Management Review Group on eliminating unnecessary workload – <https://www.gov.uk/government/publications/reducing-teacher-workload-data-management-review-group-report>
- The facts about the requirements of Ofsted to dispel myths about inspection that can result in unnecessary workloads in schools can be found in paragraph 28 of the School Inspection Handbook:  
<https://www.gov.uk/government/publications/school-inspection-handbook-from-september-2015>



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